

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

Date: December 8, 2008

Case/Project No.: FY10-09

Resolution No. 08-364

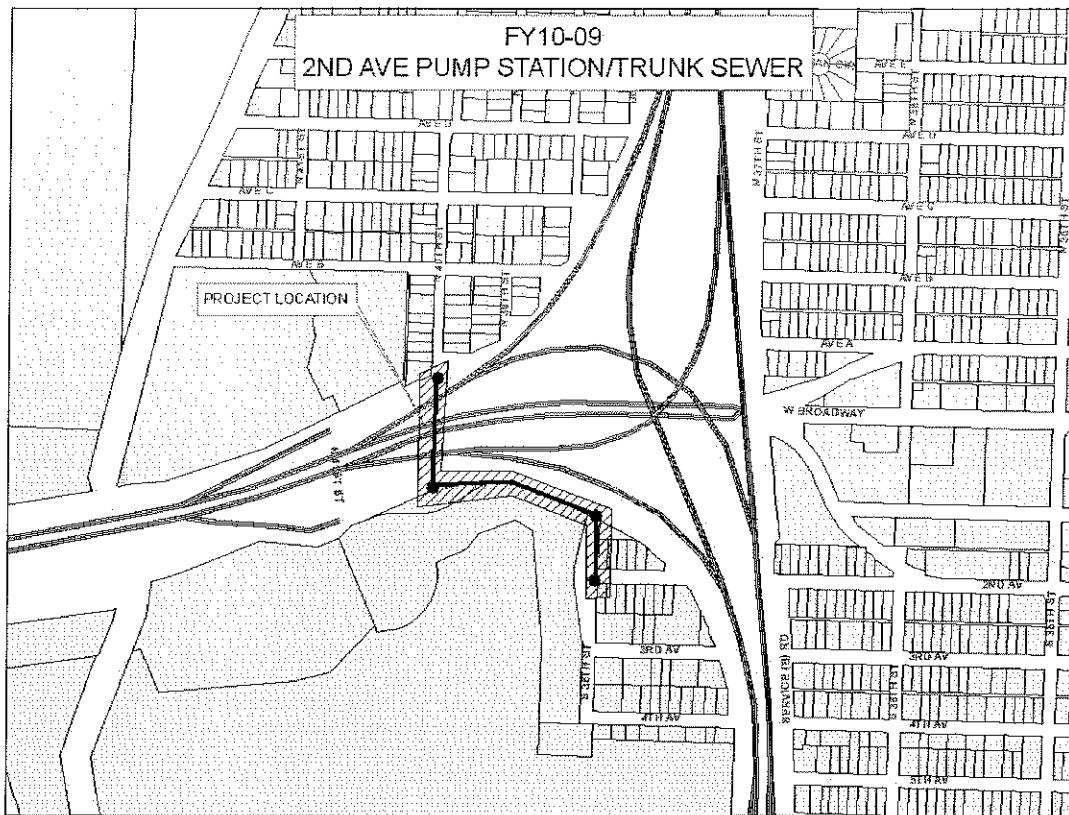
Applicant: Ron Neal, City Engineer

SUBJECT/TITLE

Council consideration of a resolution authorizing the Mayor to execute an agreement with Snyder & Associates for engineering services in connection with the 2nd Avenue Pump Station/Trunk Sewer.


BACKGROUND/DISCUSSION

- The Playland Park collector sewer was built in the early 1950's. The collector sewer receives flows from an area between the Missouri River to Interstate 29, and Avenue G to northern limits of NP Dodge Golf Course.
- The collector sewer is in poor condition and needs to be replaced.
- The proposed collector sewer will be constructed further east to coordinate with future interstate improvements and service future Playland Park development.
- The 2nd Avenue sanitary pump station was built in 1975. The station collects flows from the Playland Park collector. The stations motors, ventilation, and electrical are original and need replacement.
- The proposed 2nd Avenue sanitary pump station will be a rehabilitation of the existing facility.
- This is project FY10-09 in the CIP and is funded with \$1,500,000 in G. O. Bonds.
- This project is scheduled for 2009 construction.



RECOMMENDATION

Approval of this resolution.



Greg Reeder, Public Works Director



RESOLUTION

No. 08-364

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
SNYDER & ASSOCIATES FOR ENGINEERING SERVICES
IN CONNECTION WITH THE
2ND AVENUE PUMP STATION/TRUNK SEWER
FY10-09**

WHEREAS, the city wishes to make improvements known as the
2nd Avenue Pump Station/Trunk Sewer, within the city,
as therein described; and

WHEREAS, Snyder & Associates has submitted an agreement
to provide engineering services for the work necessary for
said improvements; and

WHEREAS, the city council deems approval of said agreement to be
in the best interest of the City of Council Bluffs.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor and City Clerk are hereby authorized and directed to execute an
agreement with Snyder & Associates for engineering services relative to the 2nd Avenue
Pump Station/Trunk Sewer.

ADOPTED

AND

APPROVED December 8, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

Date: December 8, 2008

Case/Project No.: FY10-10

Resolution No. 08-365

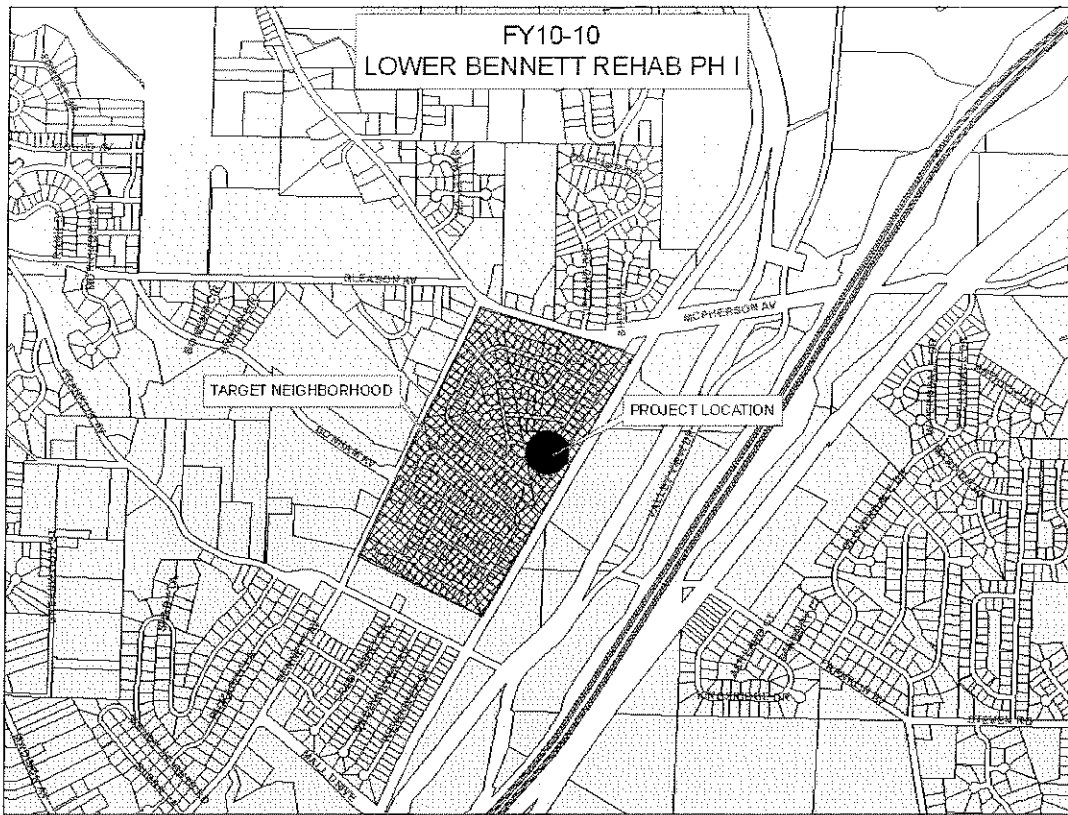
Applicant: Ron Neal, City Engineer

SUBJECT/TITLE

Council consideration of a resolution authorizing the Mayor to execute an agreement with The Schemmer Associates for engineering services in connection with the Lower Bennett Rehab – Phase I.

BACKGROUND/DISCUSSION

- Weaver's 3rd Addition, and Seldin's 4th & 5th Additions are the residential areas east of Bennett Avenue from Franklin Avenue to McPherson. The streets in the area are 40-50 years old and in poor condition. There is inadequate storm sewer in the area.
- The neighborhood infrastructure will be replaced over several years. Phase I is the area around Mielke Way and Arnold Avenue. Improvements include new concrete pavement, storm sewer, and sanitary sewer.
- The project is FY10-10 in the CIP and has budget of \$400,000 in G. O. Bonds.
- The project is scheduled for construction in the summer of 2009.



RECOMMENDATION

Approval of this resolution.



Greg Reeder, Public Works Director



RESOLUTION

No. 08-365

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
THE SCHEMMER ASSOCIATES FOR ENGINEERING SERVICES
IN CONNECTION WITH THE
LOWER BENNETT REHAB – PHASE I
FY10-10**

WHEREAS, the city wishes to make improvements known as the Lower Bennett Rehab. – Phase I, within the city, as therein described; and

WHEREAS, The Schemmer Associates has submitted an agreement to provide engineering services for the work necessary for said improvements; and

WHEREAS, the city council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with The Schemmer Associates for engineering services relative to the Lower Bennett Rehab – Phase I.

ADOPTED

AND

APPROVED: December 8, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

Date: December 8, 2008

Case/Project No.: FY10-05B

Resolution No. 08-366

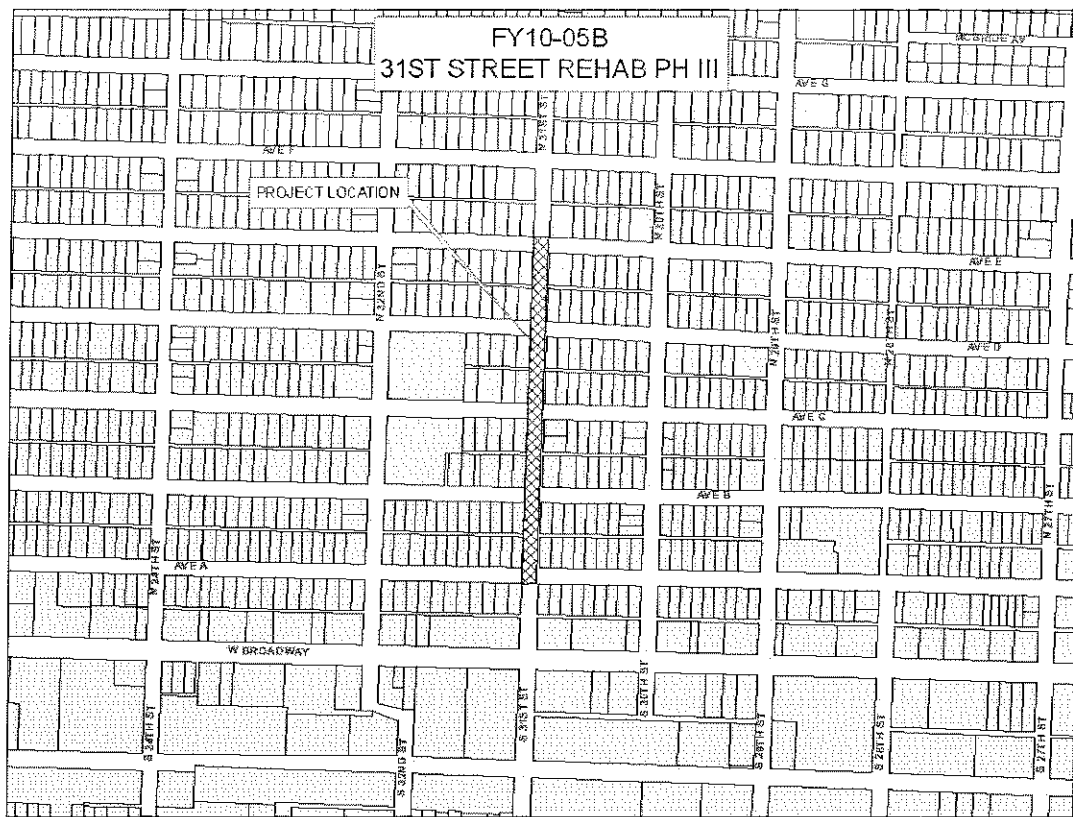
Applicant: Ron Neal, City Engineer

SUBJECT/TITLE

Council consideration of a resolution authorizing the Mayor to execute an agreement with Ehrhart Griffin & Associates for engineering services in connection with the 31st Street Improvements – Phase III Avenue A to Avenue E.

BACKGROUND/DISCUSSION

- The 31st Street sanitary sewer was built in the early 1950's. The sewer is a collector sewer receiving flow from the area between 37th Street and 29th Street north of Broadway. The sewer discharges to the 6th Avenue pump station at 31st Street.
- The sewer is in poor condition and needs to be replaced.
- The 31st Street sewer has been replaced in previous projects from 6th Avenue to 2nd Avenue.
- Phase II completed in 2008, replaced the 31st Street sewer from 2nd Avenue to Avenue A.
- This project will continue the rehab of the pavement, sanitary and storm sewer between Avenue A to Avenue E.
- This is project FY10-05B in the CIP and is funded with \$1,000,000 in Sales Tax funds.
- The project is scheduled for 2009 construction.



RECOMMENDATION

Approval of this resolution.

Greg Reeder

Greg Reeder, Public Works Director

[Signature]

RESOLUTION

No. 08-366

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
EHRHART GRIFFIN & ASSOCIATES FOR ENGINEERING SERVICES
IN CONNECTION WITH THE
31ST STREET IMPROVEMENTS – PHASE III:
AVENUE A TO AVENUE E
FY10-05B**

WHEREAS, the city wishes to make improvements known as the
31st Street Improvements – Phase III: Avenue A to
Avenue E, within the city, as therein described; and

WHEREAS, Ehrhart Griffin & Associates has submitted an agreement
to provide engineering services for the work necessary
for said improvements; and

WHEREAS, the city council deems approval of said agreement to be
in the best interest of the City of Council Bluffs.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor and City Clerk are hereby authorized and directed to execute an
agreement with Ehrhart Griffin & Associates for engineering services relative to the 31st
Street Improvements – Phase III: Avenue A to Avenue E

ADOPTED

AND

APPROVED December 8, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

Date: December 8, 2008

Case/Project No.: FY10-05D

Resolution No. 08-367

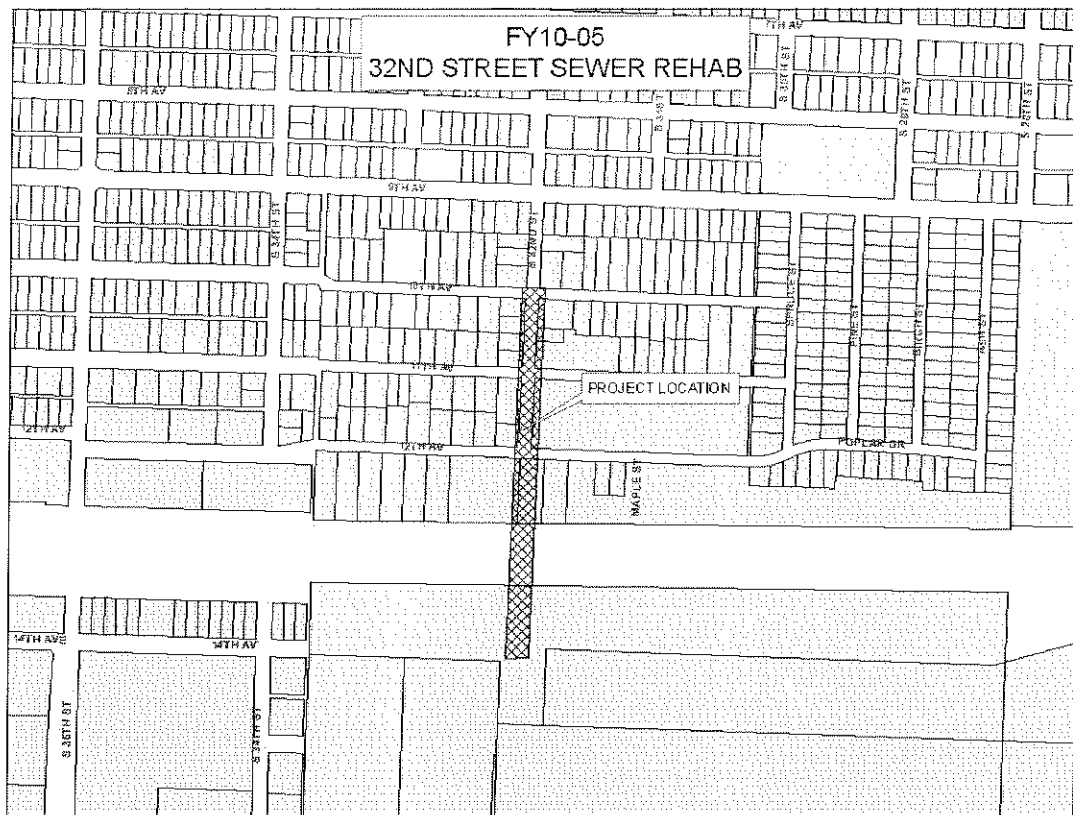
Applicant: Ron Neal, City Engineer

SUBJECT/TITLE

Council consideration of a resolution authorizing the Mayor to execute an agreement with The Schemmer Associates for engineering services in connection with the So. 32nd Street Sanitary Sewer Improvements.


BACKGROUND/DISCUSSION

- So. 32nd Street sanitary sewer is a major 30" trunk line that serves the Northwest area of the city.
- The So. 32nd Street sanitary sewer was constructed in 1961 and is in very poor condition.
- New sanitary sewer has been constructed south of Nebraska Avenue to 23rd Avenue.
- New sewer was constructed from Nebraska Avenue to 14th Avenue in 2008.
- This project will construct new sanitary sewer from 14th Avenue north to 11th Avenue, and new concrete street north of 12th Avenue.
- The project is FY10-05D in the CIP and has a budget of \$1,000,000 funded from sales tax revenue.
- The project is scheduled for construction in the summer of 2009.



RECOMMENDATION

Approval of this resolution.


Greg Reeder, Public Works Director



RESOLUTION

No. 08-367

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
THE SCHEMMER ASSOCIATES FOR ENGINEERING SERVICES
IN CONNECTION WITH THE
SO. 32ND STREET SANITARY SEWER IMPROVEMENTS
FY10-05D**

WHEREAS, the city wishes to make improvements known as the
So. 32nd Street Sanitary Sewer Improvement, within the city,
as therein described; and

WHEREAS, The Schemmer Associates has submitted an agreement
to provide engineering services for the work necessary for
said improvements; and

WHEREAS, the city council deems approval of said agreement to be
in the best interest of the City of Council Bluffs.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor and City Clerk are hereby authorized and directed to execute an
agreement with The Schemmer Associates for engineering services relative to the So.
32nd Street Sanitary Sewer Improvements.

ADOPTED

AND

APPROVED December 8, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

Date: December 8, 2008

Case/Project No.: FY10-05A

Resolution No. 08-368

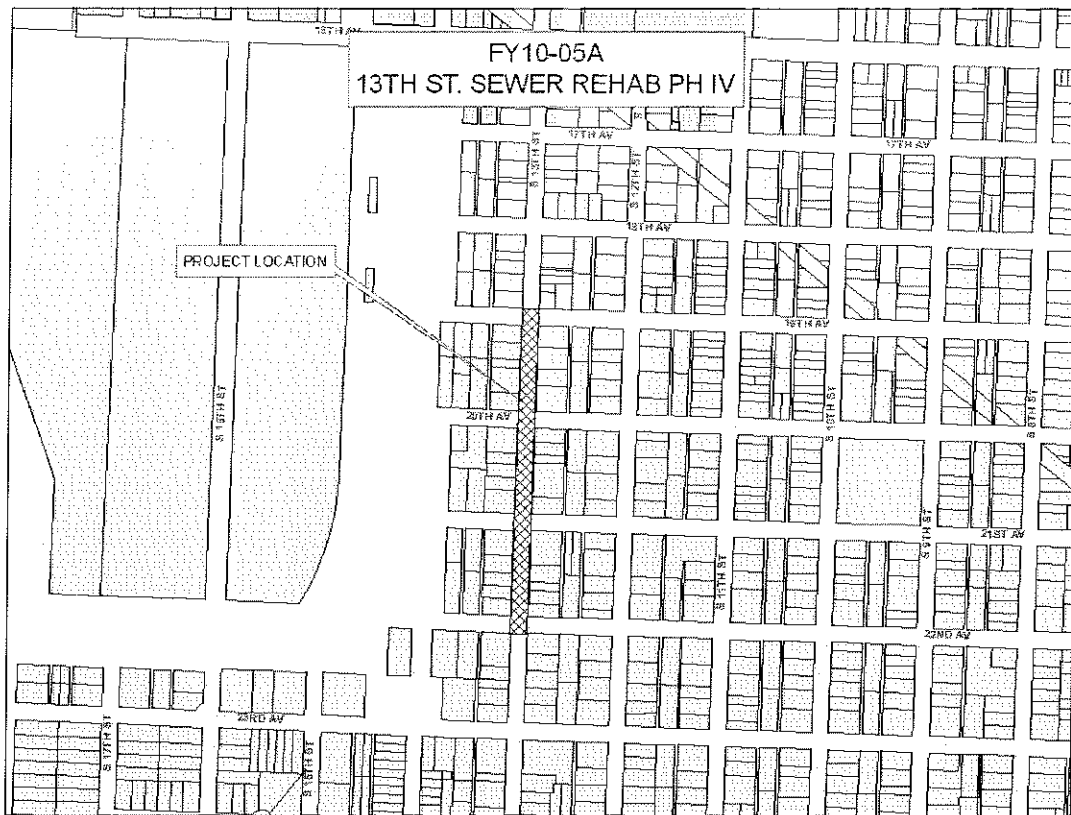
Applicant: Ron Neal, City Engineer

SUBJECT/TITLE

Council consideration of a resolution authorizing the Mayor to execute an agreement with HGM & Associates, Inc. for engineering services in connection with the So. 13th Street Improvements - Phase IV.

BACKGROUND/DISCUSSION

- 13th Street sanitary sewer is a major collector sewer in the system. It collects two thirds of the sewage in the Indian Creek Basin.
- The sewer directs flow to the 29th Avenue Pump Station. The pump station was replaced in 2005 – 2006. The outfall sewer from 29th Avenue Pump Station to I-80 Pump Station was replaced between 1999 and 2003.
- The 13th Street sewer starts out as a 66” inch pipe at 28th Avenue and incrementally reduces in size to Broadway where it is a 30” inch pipe. The sewer is of brick or concrete construction and is at least 50 years old.
- The sewer is in need of replacement and is programmed to be phased over several years.
- The pipe and streets will be evaluated to determine the most effective rehab method. These methods will include pipe lining (with limited street patching) or open trench excavation with street replacement.
- Phase I project was completed in 2006 and constructed a siphon under Indian Creek from 13th Street sanitary sewer to 15th Street sanitary sewer.
- Phase II was completed in 2007 and included a new sanitary sewer, pavement, and storm sewer, from 28th Avenue to approximately 25th Avenue. It included a new pipe under Indian Creek.
- Phase III was completed in 2008 and included a new sanitary sewer, pavement and storm sewer from 25th Avenue to 22nd Avenue.
- This is project FY10-05A, Phase IV in the CIP and has a budget of \$1,000,000 in sales tax funds and will involve construction of a new sanitary sewer, pavement, and storm sewer from 22nd Avenue to North of 19th Avenue.
- This project is scheduled for 2009 construction.



RECOMMENDATION

Approval of this resolution.


Greg Reeder, Public Works Director



RESOLUTION

No. 08-368

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
HGM & ASSOCIATES, INC. FOR ENGINEERING SERVICES
IN CONNECTION WITH THE
SO. 13TH STREET IMPROVEMENTS-PHASE IV
FY10-05A**

- WHEREAS, the city wishes to make improvements known as the So. 13th Street Improvements – Phase IV, within the city, as therein described; and
- WHEREAS, HGM & Associates, Inc. has submitted an agreement to provide engineering services for the work necessary for said improvements; and
- WHEREAS, the city council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with HGM & Associates, Inc. for engineering services relative to the So. 13th Street Improvements – Phase IV.

ADOPTED

AND

APPROVED December 8, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ Date: December 8, 2008
Case/Project No.: FY09-02C-1 Resolution No. 08-369
Applicant: Ron Neal, City Engineer

SUBJECT/TITLE

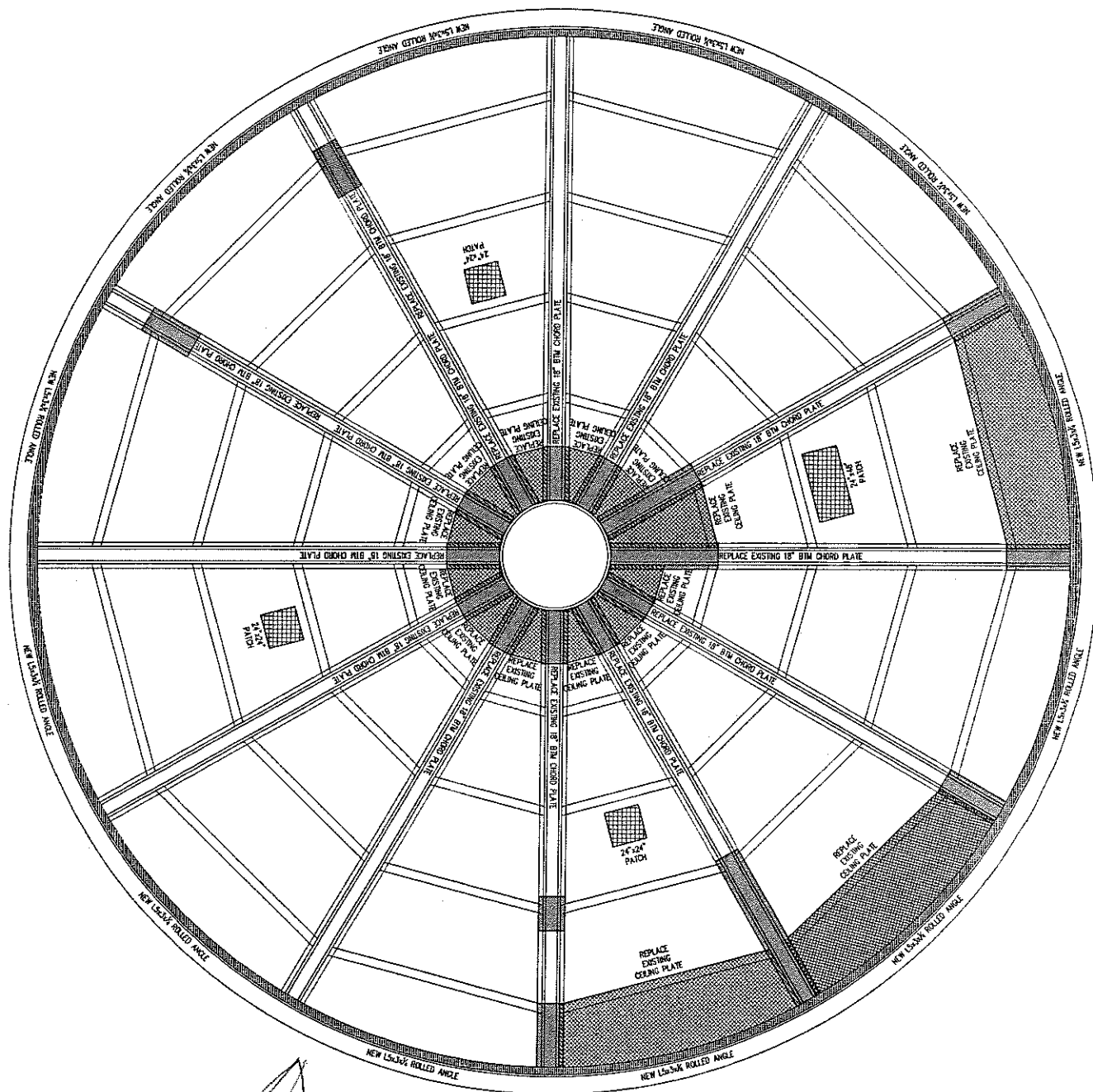
Consideration approving Change Order #1 for the Digester Cover Repair project adding \$104,908.71 to the original contract amount.

BACKGROUND/DISCUSSION

- On August 19, 2008 one bid was received in the City Clerk's office:

Eriksen Construction Company, Inc.	\$365,000.00
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- The Council Bluffs Water Pollution Control Plant was built in 1974. Included in the original design were four concrete tanks that treat and stabilize settled solids. These are called anaerobic digesters.
- The floating cover on Primary Digester #1 has some damaged due to the highly corrosive bio-gas. CIP project # FY09-02C-1 will repair the floating cover, apply protective coatings to the steel components, and replace the gas mixing equipment.
- This project will extend its useful service life another 20 years or more.
- Initial sandblasting to remove paint, coating and corrosion revealed that the corrosion of the digester cover was much more extensive than originally determined.
- The cover was re-evaluated by the structural consultant after sandblasting and it was determined that additional patches and some large panel replacements would be required to properly repair the cover to full service.
- The original contract included 12 each 4" x 4" steel patches. Re-evaluation indicated heavy corrosion around the center and at three locations on the perimeter. These require large panel replacement, in addition to these panels 48 each 6" x 6" patches, 12 each 4" x 4" patches, 3 each 24" x 24" patches and 1 each 24" x 48" patch were determined necessary.
- See attached drawing for these additional repairs.
- In addition to the steel plate repair it was determined that 180 LF of 5" x 3" angle is required to reinforce the cover skirt and 12 each 2 1/2" x 2 1/2" x 4" angles are required at the cover support beams.
- All these additional repairs have been reviewed and approved by the project consultant and public works staff.
- It has been determined that these additional repairs are valid and will effect a repair that will provide a long term service life of 20 years for the digester cover.
- The project is funded by Sewer Plant Depreciation Funds.

RECOMMENDATION Approval of this Resolution.



DIGESTER COVER ROOF PLAN
SCALE: 1/4" = 1'-0"

original 12Ea 4" x 4"

Added +

48Ea - 6" x 6"

12Ea 4" x 4"

RESOLUTION

No. 08-369

**RESOLUTION APPROVING CHANGE ORDER #1
FOR THE DIGESTER COVER REPAIR
ADDING \$104,908.71 TO THE
ORIGINAL CONTRACT AMOUNT
FY09-02C-1**

WHEREAS, Change Order #1 in the amount of \$104,908.71 has been submitted for approval in connection with the Digester Cover Repair; and

WHEREAS, Change Order #1 will cover additional costs associated with additional steel panel patches due to the extensive corrosion of the digester cover.

WHEREAS, the City Council deems approval of said Change Order #1 To be in the best interest of the City of Council Bluffs.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That Change Order #1 by Eriksen Construction, Inc. adding \$104,908.71 to the contract amount for the Digester Cover Repair.

**ADOPTED
AND
APPROVED _____, 2008**

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

City Council Communication

Department & Applicant: Community Development Case #MIS-08-003	Resolution No. <u>08-370</u>	City Council: 12-8-08 Planning Commission: 12-9-08
Subject/Title Playland Park Master Plan – Amendment 1		
Background/Discussion <p>The City Council adopted the <i>Playland Park Master Plan</i> in December 2007. Since that time many development issues have been identified, mostly related to state and federal regulatory matters.</p> <p>An amendment is requested to the adopted plan. The original Plan included a cut in the Missouri River Levee providing direct vehicular and pedestrian traffic between the neighborhood development and the regional riverfront park. The cut in the levee could be designed and engineered to ensure continued flood control. However, the project steering committee believes the component should be removed from the plan. All modifications to the levee must be reviewed and approved by the Army Corps of Engineers. Engineering details to a level of nearly 100% completion would be necessary for submittal to the local Corps office. Following the local review, the plans would be reviewed at the national level. In a recent meeting with the local Corps office it is believed that gaining approval of the cut would very difficult to obtain. The review process would be approximately 6 to 9 months. The engineering of 100% plans would come at a cost of approximately \$350,000. The actual construction of the cut would be greater than \$1.2 Million. The steering committee believes that in the interest of time and cost savings, which could be applied to other portions of the project, that the levee cut should be removed from the master plan.</p> <p>Removal of the levee cut provides the opportunity to reconfigure the formal green and development block to the south. The revised concept reorients the condominium tower and multifamily units and incorporates a parking structure. The structure would be surrounded by residential units and still create the ability to have modest commercial uses on the first floor level. Removal of the direct access to the riverfront from the initial phases of neighborhood construction creates the need to make the connection over the levee top at Avenue ‘G’ and the connection to the south through Harrah’s parking lot to 9th Avenue more critical. Phasing should be adjusted accordingly.</p> <p>The City Planning Commission and the City Parks, Recreation and Public Property Commission will not meet until December 9, 2008. Both will consider the proposed amendment at that time. Staff wishes to move forward with developer solicitation in mid December. As such, it is requested that the Council take action on the amendment subject to the comments of both Commissions.</p> <p>Steering Committee Members: Rose Brown, Barry Cleaveland, Donald Gross, Todd Graham, Larry Foster, Gayle Malmquist, Ken Milford, Ron Neal, Mark Norman, Greg Reeder and Rich Sorich.</p> <p>Recommendation: The Community Development Department recommends adoption of the proposed <i>Playland Park Master Plan – Amendment 1</i> as shown in ‘Attachments A and B’, subject to the comments of the City Planning Commission and the City Parks Commission.</p> <p>Attachments: Attachment ‘A’: Playland Park Master Plan – Amendment 1, overall concept plan Attachment ‘B’: Playland Park Master Plan – Amendment 1, neighborhood development concept plan</p> <p>Prepared by: Rose E. Brown, Urban Planner</p>		

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RESOLUTION NO. 08-370

A RESOLUTION ADOPTING THE PLAYLAND PARK MASTER PLAN - AMENDMENT 1.

- WHEREAS, Playland Park is a redevelopment project located in the west end of Council Bluffs, Iowa, strategically located along the north side of Interstate 480, between the Missouri River and Interstate 29; and
- WHEREAS, the City retained HDR Engineering, Inc. to develop a master plan for the Playland Park property, including the property adjacent on the river side of the Missouri River Levee; and
- WHEREAS, a steering committee was formed to participate; and
- WHEREAS, the amendment is necessary to continue design and engineering of the project; and
- WHEREAS, it is the recommendation of the Community Development Department to adopt the Playland Park Master Plan – Amendment 1; and

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the Playland Park Master Plan – Amendment 1 is hereby adopted as the development plan strategy to be implemented, subject to the comments of the City Planning Commission and the City Parks, Recreation and Public Property Commission.

ADOPTED
AND
APPROVED December 8, 2008

THOMAS P. HANAFAN

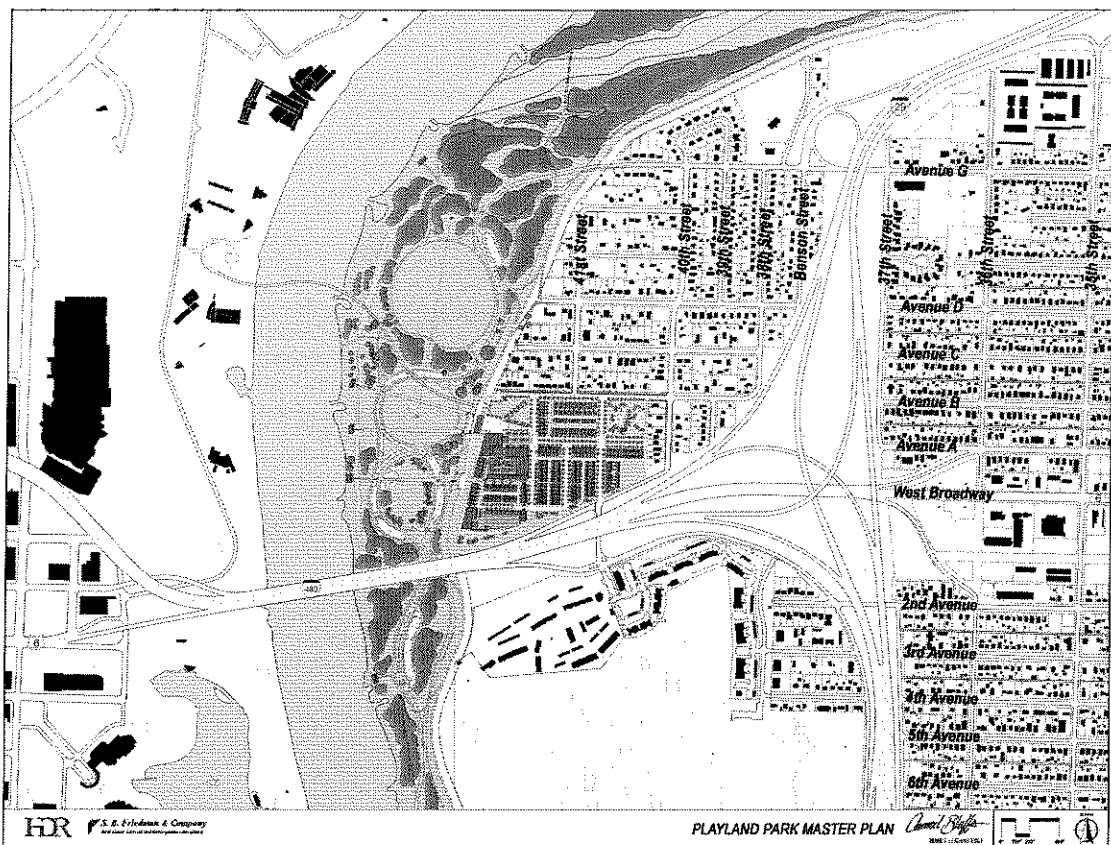
Mayor

Attest:

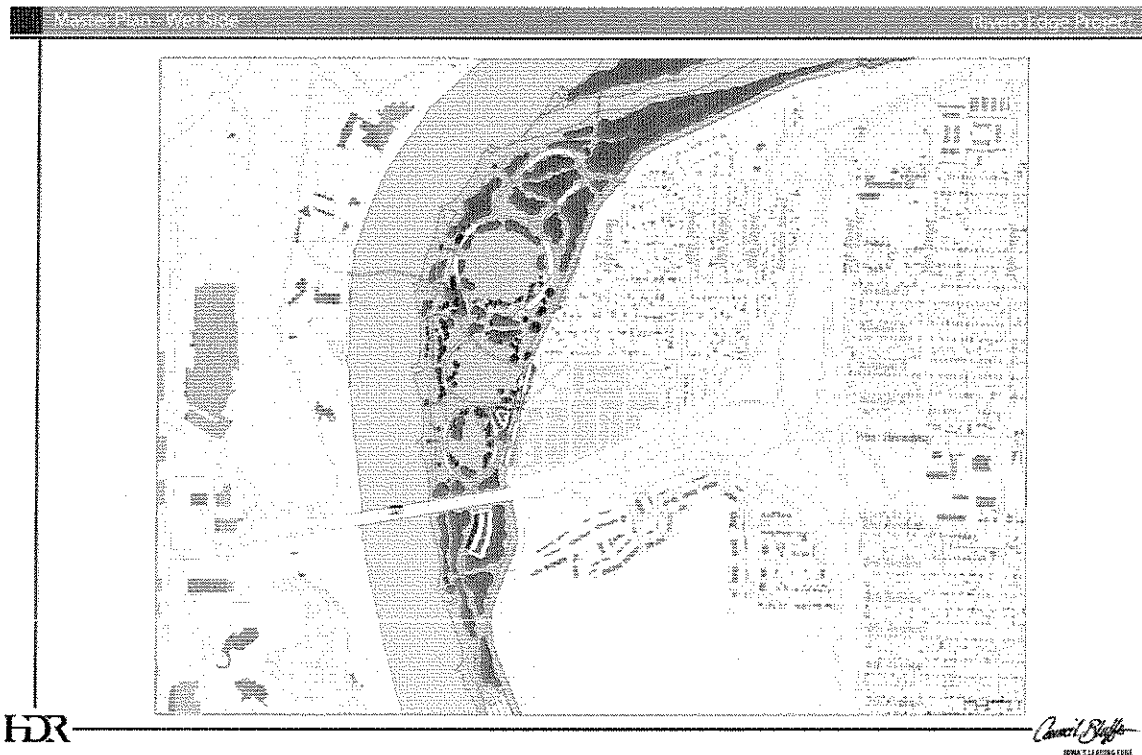
JUDITH RIDGELEY

City Clerk

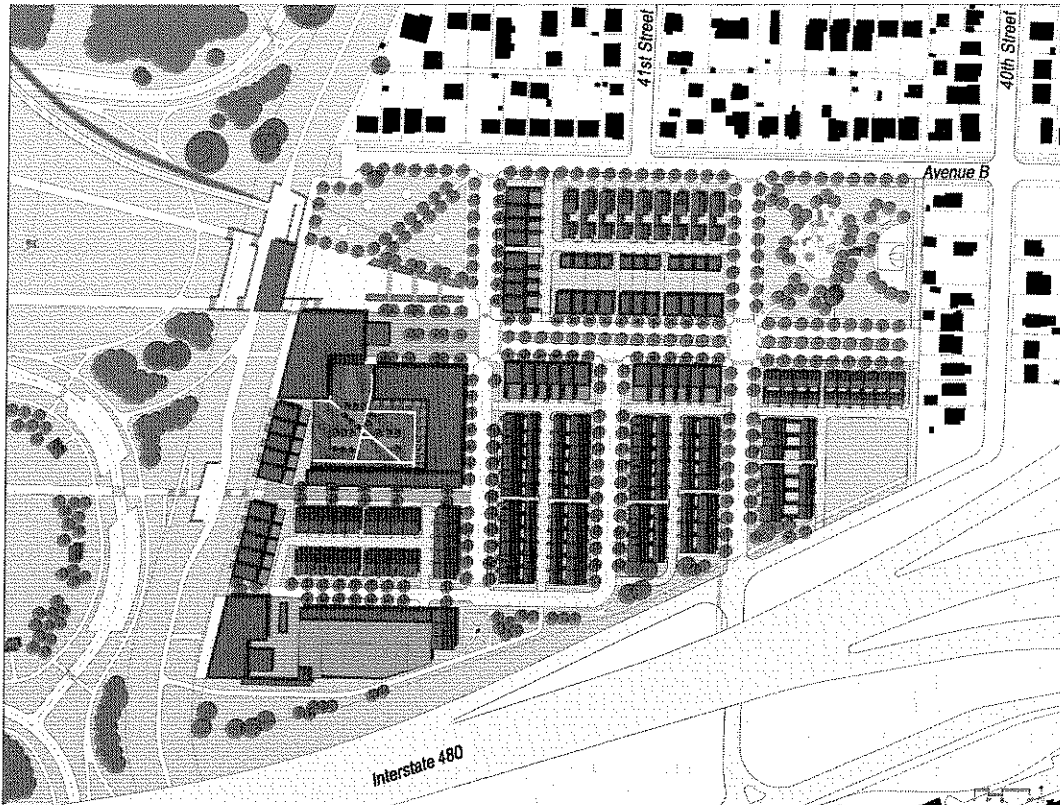
MIS-08-003



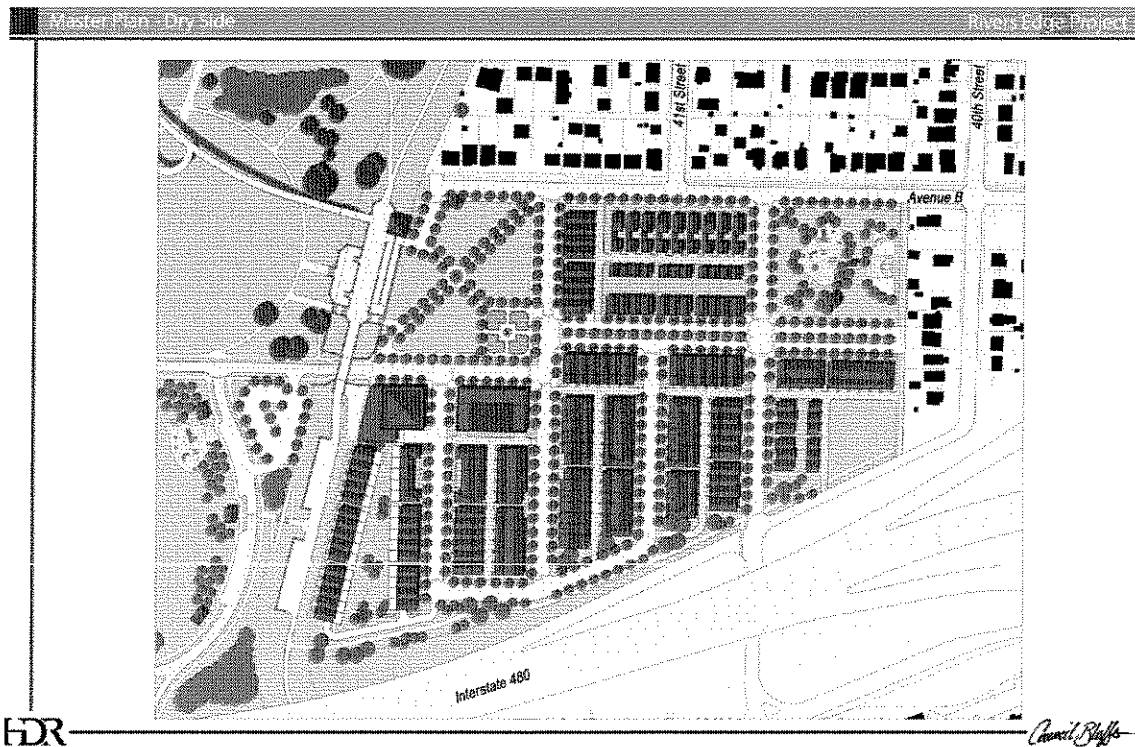
Proposed amendment: overall concept plan



Adopted overall concept plan



Proposed amendment: neighborhood development concept



Adopted neighborhood development concept

Council Communication
December 8, 2008 City Council Meeting

Department: Community Development	Ordinance No.: N/A	Date: <u>December 8, 2008</u>
Case/Project No.: N/A	Resolution No.: <u>08-371</u>	
Subject/Title		
Neighborhood Stabilization Program (NSP) funds		
Location		
Not Applicable.		
Background/Discussion		
<u>Background</u> The Neighborhood Stabilization Program (NSP) funds were authorized by the Housing and Economic Recovery Act of 2008 (HERA) as an adjunct to the Community Development Block Grant (CDBG) Program through the U.S. Department of Housing and Urban Development. The Neighborhood Stabilization Program (NSP) provides emergency assistance to state and local governments to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities. The State of Iowa, through the Iowa Department of Economic Development (IDED), anticipates receiving \$21,607,907 through the newly-authorized Neighborhood Stabilization Program NSP.		
<u>Discussion</u> The State of Iowa plans to allocate NSP resources to communities with the greatest need, and that have the interest and administrative capacity to operate the program. The State has determined that the most appropriate way to address these goals is to provide funding directly to the CDBG Entitlement Communities, and have a competitive application process for the Non-Entitlement Communities. The State of Iowa intends to allocate \$1,102,970 to the City of Council Bluffs. The NSP funds are a source of funding to be utilized to purchase foreclosed or abandoned homes and to rehabilitate, resell, or redevelop these homes in order to stabilize neighborhoods and stem the decline in value of neighboring homes.		
Staff Recommendation		
The Community Development Department recommends that the City Council adopt a resolution authorizing the Mayor to submit an application to the Iowa Department of Economic Development for the Neighborhood Stabilization Program funds and to execute the related agreements and documents.		
Attachments		
None.		

Submitted by: Tina Hochwender, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

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RESOLUTION NO. 08-371

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT DEPARTMENT (IDED) FOR U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) NEIGHBORHOOD STABILIZATION PROGRAM (NSP) FUNDS.

WHEREAS, the Neighborhood Stabilization Program (NSP) funds were authorized by the Housing and Economic Recovery Act of 2008 (HERA) as an adjunct to the Community Development Block Grant (CDBG) Program through the U.S. Department of Housing and Urban Development; and

WHEREAS, the NSP funds are a source of funding to be utilized to purchase foreclosed or abandoned homes and to rehabilitate, resell, or redevelop these homes in order to stabilize neighborhoods and stem the decline in value of neighboring homes; and

WHEREAS, the State of Iowa, through the Iowa Department of Economic Development (IDED), anticipates receiving \$21,607,907 through the newly-authorized NSP; and

WHEREAS, the State of Iowa plans to allocate NSP resources to communities with the greatest need, and that have the interest and administrative capacity to operate the program; and

WHEREAS, the State of Iowa intends to allocate \$1,102,970 to the City of Council Bluffs; and

WHEREAS, an application for said funds is in the best interest of the City; and

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

That the Mayor is hereby authorized and directed to submit an application to the Iowa Department of Economic Development (IDED) for the Neighborhood Stabilization Program (NSP) funds.

BE IT FURTHER RESOLVED

That the Mayor is hereby authorized and directed to execute the related agreements and documents.

ADOPTED
AND

APPROVED: December 8, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

Council Communication
December 8, 2008 City Council Meeting

Department: Community Development	Ordinance No.: N/A	
Case/Project No.: N/A	Resolution No.: <u>08-372</u>	Date: <u>December 8, 2008</u>

Subject/Title
Brownfields Designation

Location
100 Block of West Broadway

Background/Discussion
<p><u>Background</u></p> <p>In the early 1970's downtown Council Bluffs was established as an urban renewal area. Several amendments since then have affected the district, including the adoption of a Downtown Redevelopment Plan in 1984 and an updated version in 2003. Also throughout the years, the area has been amended to include additional land. However, today, this area generally is bound on the north by Kanesville Boulevard, Washington Avenue and Avenue B; on the south by Pierce Street, Willow Avenue, and 2nd Avenue; on the west by the Union Pacific Railroad right-of-way (near 11th Street) and on the east by Benton Street.</p> <p>The adoption of an urban renewal plan for the area was intended to stimulate the redevelopment of properties through the acquisition of property, demolition of structures and improvements to public infrastructure. The first phase of these redevelopment activities has been completed with the acquisition of 117-153 W. Broadway by the Pottawattamie County Development Corporation (PCDC). PCDC has also invested in the opposite side of the 100 block, which is designated as a National Historic District, by giving grants and low-interest loans to owner-occupied businesses. The City is in the process of reconstructing South 2nd Street to South 4th Street as part of the downtown streetscape project. In the Spring of 2009 the City will reconstruct South 2nd Street to South 1st Street also as part of the downtown streetscape project.</p> <p><u>Discussion</u></p> <p>During the process of acquiring the properties, a Phase 1 Environmental Site Assessment report showed three underground tanks and a possible plume of petroleum hydrocarbons, existing from one of the tanks. Recognizing this area was developed and used for industrial purposes (laundromat and gas station), contamination may exist elsewhere. In addition to what the report shows, these past uses are perceived contaminants that make the property undesirable for redevelopment. In order for redevelopment efforts to have long term success, mitigation of these contaminants is necessary. Mitigation activities are also necessary for the City to complete the reconstruction of portions of West Broadway.</p> <p>The following is the EPA's Definition of a Brownfield: <i>Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties take development pressures off of undeveloped, open land, and both improves and protects the environment.</i></p> <p>Based off of the environmental testing results, it has become essential to designate part of the area as a brownfield redevelopment area. This designation will empower stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up and sustainably reuse the sites. This designation will also assist in leveraging additional funds from the federal and state level to include New Market Tax Credits, which offer a significant source of funding for possible projects. In particular, the area appropriate for brownfields designation is the property owned by PCDC in the middle of the block from South 1st Street to South 2nd Street on the south side of West Broadway to West Pierce Street.</p>

Staff Recommendation
The Community Development Department recommends City Council adopt a resolution designating the proposed area as a Brownfields Redevelopment Area as defined by the EPA.

Attachments
Map of the designated area

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RESOLUTION NO. 08-372

A RESOLUTION AUTHORIZING DESIGNATION OF PART OF THE SOUTH SIDE OF THE 100 BLOCK OF WEST BROADWAY AS A BROWNFIELD REDEVELOPMENT AREA AS DEFINED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA).

- WHEREAS,** in the early 1970's, the City established a downtown urban renewal area; and
- WHEREAS,** this area is generally bound on the north by Kanesville Boulevard, Washington Avenue and Avenue B; on the south by Pierce Street, Willow Avenue, and 2nd Avenue; on the west by the Union Pacific Railroad right-of-way (near 11th Street) and on the east by Benton Street; and
- WHEREAS,** the adoption of this area was intended to cause the redevelopment of this area; and
- WHEREAS,** the City and others have initiated redevelopment activities which has involved the acquisition of property, demolition of structures and public facility improvements; and
- WHEREAS,** these activities have resulted in the discovery of underground storage tanks, which have led to soil and ground water contamination; and
- WHEREAS,** a Brownfield's designation for this area is in the best interest of the City.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

All of the property owned by the Pottawattamie County Development Corporation in the middle of the block from South 1st Street to South 2nd Street on the south side of West Broadway to West Pierce Street is designated as a Brownfield Redevelopment Area as defined by the EPA.

ADOPTED
AND

APPROVED: December 8, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

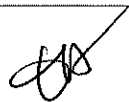
City Clerk

Council Communication
December 8, 2008 City Council Meeting

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: <u>08-373</u>	Date: <u>December 8, 2008</u>
Subject/Title		
Execute a special purpose EDI grant with the U.S. Department of Housing and Urban Development for the redevelopment of the Sunset Park North Neighborhood.		
Location		
Mainly in the area east of South 9 th Street and north of 16 th Avenue.		
Background/Discussion		
<p><u>Background</u></p> <p>The Sunset Park North (Katelman) Neighborhood project is a redevelopment project that was awarded EDI funding in 2002. Initially, the neighborhood was a platted but unimproved neighborhood with limited residential structures and public improvements. Over the years, the City acquired properties in this neighborhood and installed the appropriate infrastructure for affordable single family residential structures. This project has been implemented in seven phases due to its large scale and financial constraints. Using a combination of federal (EDI, CDBG and HOME), state and local funds, over 100 new single family homes have been constructed in the Sunset Park North neighborhood since 2004 and twenty four blocks of new infrastructure have been either constructed or reconstructed. Additionally, the City has seven blocks of paving scheduled with funds committed and programmed for construction/reconstruction. This final phase of the project is an older, existing neighborhood with some commercial intrusions and residential structures with a wide variety of structural conditions. This project is locally significant due to the need to provide additional affordable housing opportunities and neighborhood redevelopment. The City has an overwhelming need for affordable housing and capital improvement, leaving limited resources and a financing gap.</p> <p><u>Discussion</u></p> <p>The final phase of the project is an older, existing neighborhood with some commercial intrusions and residential structures with a wide variety of structural conditions. Based on a neighborhood field survey of structural conditions, approximately 45% of residential structures are substandard or deteriorated. Of the commercial structures observed, 33% were in substandard or deteriorated condition. The field survey also reveals that most of the residential structures located west of South 10th Street along 14th, 15th, and 16th Avenues are in the best condition. However, many of the residential structures located east of South 9th Street are substandard. This area east of South 9th Street and north of 16th Avenue is the focus of Sunset Park North (Katelman) Neighborhood redevelopment project.</p> <p>The City has been awarded a \$328,300 Economic Development Initiative (EDI) Special Purpose Grant from the U.S. Department of Housing and Urban Development (HUD). Because of the diversity in this neighborhood and various redevelopment needs, the City believes a flexible redevelopment plan is necessary. Therefore, the EDI funds will be utilized to assist with a combination of redevelopment needs including single family new construction, single family and rental rehabilitation, acquisition/rehabilitation of single family properties, blight removal and site development, commercial rehabilitation, infrastructure installation/improvements, and streetscape improvements.</p>		
Staff Recommendation		
The Community Development Department recommends authorizing the Mayor to execute the \$328,300 special purpose EDI grant with the U.S. Department of Housing and Urban Development for the redevelopment of the Sunset Park North Neighborhood.		
Attachments		
None.		

Submitted by: Tina Hochwender, Project Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

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RESOLUTION NO. 08-373

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A \$328,300 SPECIAL PURPOSE ECONOMIC DEVELOPMENT INITIATIVE (EDI) GRANT AGREEMENT AND OTHER NECESSARY DOCUMENTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE SUNSET PARK NORTH NEIGHBORHOOD REDEVELOPMENT PROJECT

- WHEREAS,** the City of Council Bluffs has received a special purpose EDI grant in the amount of \$328,300 from the U.S. Department of Housing and Urban Development to assist with the redevelopment of the Sunset Park North Neighborhood; and
- WHEREAS** the EDI funds will be utilized to assist with a combination of redevelopment needs including single family new construction, single family and rental rehabilitation, acquisition/rehabilitation of single family properties, blight removal and site development, commercial rehabilitation, infrastructure installation/improvements, and streetscape improvements; and
- WHEREAS** the City must officially accept the EDI award and authorize the Mayor to execute all necessary documentation.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

That the Mayor is hereby authorized to execute the \$328,300 special purpose EDI grant with the U.S. Department of Housing and Urban Development for the redevelopment of the Sunset Park North Neighborhood.

ADOPTED

AND

APPROVED: December 8, 2008

Thomas P. Hanafan

Mayor

ATTEST:

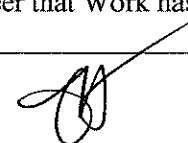
Judith H. Ridgeley, City Clerk

Council Communication
December 8, 2008 City Council Meeting

Department: Community Development	Ordinance No.: N/A											
Case/Project No.: N/A	Resolution No.: <u>08-374</u>	Date: <u>December 8, 2008</u>										
Subject/Title												
Council consideration of a resolution accepting the work of Collins Properties, Inc. as complete and authorizing the release of the retainage after 30 days if no claims are filed and all other contract requirements have been met in connection with the Mid-City Grading, Phase I Project.												
Location												
Lots bounded by Avenue B, Creek Top, 13 th Street and 12 th Street and lots bounded by 13 th Street, the Broadway viaduct and the railroad tracks to the east and south												
Background/Discussion												
<u>Background</u> The Mid-City Railroad Corridor project area is a 36 block area encompassed on the north by Avenue G; on the south by 5 th Avenue; on the west by Indian Creek and 13 th Street; and on the east by 10 th Street. The City has been working on the acquisition and demolition of vacant and blighted properties in the area for eventual redevelopment. Redevelopment efforts include the extension of the City's trail system, realignment and construction of public infrastructure, railroad consolidation and the development of open space and recreational uses. To date 34 properties have been acquired in the area. With these acquisitions, enough land has been accumulated to grade and seed several areas so they are more presentable and can be easily maintained. The Mid-City Trail Grading, Phase I project involved grading lots bounded by Avenue B, Creek Top, 13 th Street and 12 th Street and lots bounded by 13 th Street, the Broadway viaduct and the railroad tracks to the east and south. Upon completion of the grading the parcels were seeded. A public hearing was held on March 24, 2008 on the plans, specifications and form of contract for the project. Two bids were received from interested contractors in the City Clerk's office on April 17, 2008. On April 28, 2008 City Council approved Collins Properties, Inc. as the project contractor and entered into an agreement with them to complete the work for \$64,600.												
<u>Discussion</u> The final project financials can be summarized as follows: <table style="width: 100%;"><tr><td style="width: 35%;">Original Contract Amount:</td><td style="text-align: right;">\$64,600.00</td></tr><tr><td>Change Order No. 1:</td><td style="text-align: right;"><u>(\$154.00)</u></td></tr><tr><td>Final Contract Amount:</td><td style="text-align: right;">\$64,446.00</td></tr><tr><td>Less previous payments:</td><td style="text-align: right;">\$61,223.70</td></tr><tr><td>Retainage due contractor:</td><td style="text-align: right;">\$3,222.30</td></tr></table>			Original Contract Amount:	\$64,600.00	Change Order No. 1:	<u>(\$154.00)</u>	Final Contract Amount:	\$64,446.00	Less previous payments:	\$61,223.70	Retainage due contractor:	\$3,222.30
Original Contract Amount:	\$64,600.00											
Change Order No. 1:	<u>(\$154.00)</u>											
Final Contract Amount:	\$64,446.00											
Less previous payments:	\$61,223.70											
Retainage due contractor:	\$3,222.30											
Staff Recommendation												
The Community Development Department recommends acceptance of the work by Collins Properties, Inc. in connection with the Mid-City Trail Grading, Phase I Project and also authorization for the Finance Director to issue a check in the amount of \$3,222.30 for the final retainage.												
Attachments												
Final Invoice from Collins Properties, Inc., Change Order No. 1, and Statement of Engineer that Work has been Completed According to Contract												

Submitted by: Tina Hochwender, Project Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

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RESOLUTION NO. 08-374

A RESOLUTION ACCEPTING THE WORK OF COLLINS PROPERTIES, INC. FOR THE MID-CITY TRAIL GRADING, PHASE I PROJECT AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE A CITY CHECK IN THE AMOUNT OF \$3,222.30.

WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Collins Properties, Inc. for the grading of approximately 4 acres of ground in an area bounded by Avenue B, Creek Top, 13th Street and 12th Street and lots bounded by 13th Street, the Broadway viaduct and the railroad tracks to the east and south; and

WHEREAS, this project is known as the Mid-City Trail Grading, Phase I Project; and

WHEREAS, the contractor has fully completed the construction of said improvements in accordance with the terms and conditions of their contract and plans and specifications filed with the City Clerk; and

WHEREAS, a request for final payment in the amount of \$3,222.30 to Collins Properties, Inc. has been submitted to the City Council for approval and payment; and

WHEREAS, final payment is due 30 days after acceptance of the work; and

WHEREAS, the City Council of the City of Council Bluffs has been advised and does believe that said \$3,222.30 constitutes a valid obligation of the City and should in its best interest be paid.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That said report of the engineer is hereby approved and adopted and the improvements are hereby accepted as having been fully completed in accordance with said plans and specifications.

BE IT FURTHER RESOLVED

That the Finance Director is hereby authorized and directed to issue a City check in the amount of \$3,222.30 payable to Collins Properties, Inc. from budget code Z01200-649960-00139.

ADOPTED

AND

APPROVED: : December 8, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

[illegible]

CHANGE ORDER NO. 1 - Final

Location:

Mid-City

Project Description:

Mid City Trail Grading, Phase I

Contractor:Collins Properties Inc.
Council Bluffs, Iowa**Owner:**City of Council Bluffs, Iowa
Department of Community Development**To:**

Mike Collins

Date:

08/04/08

You are hereby ordered to make the following changes in the construction plans and specifications for the above designated project:

1. Revise or Add (*) the Following Items:

- | | | |
|-----|---|----------|
| 2. | Granular Surfacing/Stabilized Construction Entrance | Decrease |
| 3. | Safety Fence | Decrease |
| *8. | Cover Crop, Oats | Add |

2. Reason for ordering the change is as follows:

- Actual field measurement.
- Not necessary.
- For short term stabilization.

3. Settlement for the cost of the above change is to be made as follows:

ITEM NO.	DESCRIPTION	AMOUNT	UNIT PRICE	DECREASE	INCREASE
2.	Granular Surfacing/Stabilized Construction Entrance	(33.00) TON	\$18.00	(\$594.00)	\$0.00
3.	Safety Fence	(350.00) LF	1.60	(\$560.00)	\$0.00
*8.	Cover Crop, Oats	4.00 AC	250.00	\$0.00	\$1,000.00
Net Change:				(\$1,154.00)	\$1,000.00
					(\$154.00)

4. Summary of Costs:

TOTAL INCREASE THIS CHANGE ORDER:	(\$154.00)
TOTAL ALL PREVIOUS CHANGE ORDERS:	\$0.00
TOTAL CONTRACT ADJUSTMENT:	(\$154.00)
ORIGINAL CONTRACT SUM:	\$64,600.00
TOTAL CONTRACT COST:	\$64,446.00

5. Extension of Working Days:

TOTAL ADDITIONAL WORK DAYS:

NOTE: This Change Order is not effective until signed by the Owner.

Approved by:

Owner: City of Council Bluffs DCD

Title

Date

Agreed to by:

Contractor: Collins Properties Inc.

Title

Date

Approved by:

Engineer: HGM ASSOCIATES INC.

Title

Date



**STATEMENT OF ENGINEER
THAT WORK HAS BEEN COMPLETED
ACCORDING TO CONTRACT**

TO: Ms. Tina Hochwender
Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, Iowa

DATE: August 7, 2008

Ms. Hochwender:

I hereby state that the work of constructing certain grading construction within the City of Council Bluffs, Iowa, according to the plans and specifications entitled "*Mid-City Trail Grading, City of Council Bluffs, Iowa*" under contract by and between the City of Council Bluffs, Iowa and Collins Properties, Inc. dated May 12, 2008, has been fully completed, and that the work as completed is in substantial compliance with the plans and specifications for said work.

Respectfully submitted.
HGM ASSOCIATES INC.
Consulting Engineer
P.O. Box 919, Council Bluffs, Iowa 51502

BY:

A handwritten signature in dark ink, appearing to read "John E. Jorgensen", is written over a horizontal line. Below the line, the text "John E. Jorgensen, P.E." is printed.

Council Communication
December 8, 2008 City Council Meeting

Department: Community Development	Ordinance No.: <u>Resolution No.: 08-375</u>	Date: <u>Dec. 8, 2008</u>
Case/Project No.: N/A		
Subject/Title		
1) <u>Amendment #1 to Porter Homes, Inc. development agreement</u> 2) <u>BP Quality Homes, L.L.C. development agreement</u> 3) <u>Amendment to Porter Homes, Inc. Enterprise Zone agreement</u>		
Applicant		
Porter Homes, Inc. and BP Quality Homes, L.L.C.		
Location		
Porter's Park Side Subdivision (generally located at 28 th Street and Avenues B and C)		
Background/Discussion		
<p>In August of 2007, City Council approved the sale of 12 lots to Porter Homes, Inc. (Scott Porter) for a project located at North 28th Street and Avenues B and C. At this time a development agreement was executed outlining the roles and responsibilities of the City and the Developer. Porter Homes, Inc. has sold the six lots facing Avenue B to BP Quality Homes, L.L.C. (Bill Perdue and Tracey Andrews). As a result of this sale, it is in the City's best interest to approve a new development agreement with BP Quality Homes, L.L.C. and to authorize the Mayor to execute an amendment to the Porter Homes' development agreement.</p> <p>Porter Homes, Inc. submitted a request to amend their Enterprise Zone agreement for this project to City Council which was denied on October 13, 2008. However, City Council approved the Enterprise Zone application from BP Quality Homes for the lots owned by Porter Homes, Inc. on October 27, 2008. The application from BP Quality Homes, L.L.C. should not have been approved without approving the amendment from Porter Homes, Inc. Therefore, the request from Porter Homes, Inc. is being brought to Council again for consideration.</p>		
Staff Recommendation		
<p>The Community Development recommends three items for approval:</p> <p>1) Amendment #1 to the Porter Homes' development agreement; 2) A development agreement with BP Quality Homes, L.L.C.; and 3) Approval of Amendment #1 to the Enterprise Zone agreement (08-HEZ-024) submitted by Porter Homes, Inc.</p>		
Attachments		
1) Amendment #1 to the Porter Homes' development agreement; 2) Development agreement with BP Quality Homes, L.L.C.; and 3) Letter from Porter Homes, Inc. requesting approval of Amendment #1 to their Enterprise Zone agreement.		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

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AMENDMENT #1 TO THE DEVELOPMENT AGREEMENT

THIS AMENDMENT #1 TO THE AGREEMENT IS ENTERED INTO BY AND BETWEEN THE CITY OF COUNCIL BLUFFS, IOWA (HEREIN CALLED THE "CITY") AND PORTER HOMES, INC. (HEREIN CALLED THE "DEVELOPER"):

WHEREAS, On the 13th day of August 2007, the City and the Developer entered into an agreement which is made a part hereof by reference; and

WHEREAS, This development agreement detailed the roles and responsibilities of both the City of Council Bluffs and Porter Homes, Inc.; and

WHEREAS, The Developer pledged to construct twelve (12) single family residential structures in Porter's Park Side Subdivision; and

WHEREAS, The Developer has sold Lots 7-12 to BP Quality Homes, L.L.C.; and

WHEREAS, The original development agreement between the City and the Developer must be amended to reflect this sale; and

WHEREAS, The Developer's obligations are reduced to the construction of six (6) single family homes on Lots 1-6; and

WHEREAS, The parties desire to amend the original development agreement by incorporating the changes listed above.

NOW, THEREFORE, the parties hereto do hereby mutually agree to amend the original development agreement.

IN WITNESS THEREOF, the City and the Developer have executed this Amendment #1 to the agreement.

"CITY"
CITY OF COUNCIL BLUFFS

"DEVELOPER"
PORTER HOMES, INC.

Thomas P. Hanafan Mayor

Scott Porter

DATE:

DATE:

December 8, 2008

RESOLUTION NO. 08-375

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS
AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT #1 TO THE DEVELOPMENT
AGREEMENT WITH PORTER HOMES, INC. FOR LOTS 1, 2, 3, 4, 5 AND 6 IN PORTER'S
PARK SIDE SUBDIVISION.**

WHEREAS, The City of Council Bluffs has been working on redeveloping the area located between 28th and 29th Streets from Avenues B to C; and

WHEREAS, Porter Homes, Inc. originally purchased all 12 City owned lots in the block between 28th and 29th Streets and Avenues B and C; and

WHEREAS, Porter Homes, Inc. has sold Lots 7-12 to BP Quality Homes, L.L.C.; and

WHEREAS, This sale necessitates an amendment to the original development agreement executed by Porter Homes, Inc. and the City; and

WHEREAS, the execution of this amendment is in the best interest of both parties involved.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

The Mayor is hereby authorized to execute Amendment #1 to the development agreement with Porter Homes, Inc.

ADOPTED

AND

APPROVED: December 8, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

Council Communication
December 8, 2008 City Council Meeting

Department: Community Development	Ordinance No.: <u>Resolution No.: 08-376</u>	Date: <u>Dec. 8, 2008</u>
Case/Project No.: N/A		
Subject/Title		
1) Amendment #1 to Porter Homes, Inc. development agreement 2) <u>BP Quality Homes, L.L.C. development agreement</u> 3) Amendment to Porter Homes, Inc. Enterprise Zone agreement		
Applicant		
Porter Homes, Inc. and BP Quality Homes, L.L.C.		
Location		
Porter's Park Side Subdivision (generally located at 28 th Street and Avenues B and C)		
Background/Discussion		
<p>In August of 2007, City Council approved the sale of 12 lots to Porter Homes, Inc. (Scott Porter) for a project located at North 28th Street and Avenues B and C. At this time a development agreement was executed outlining the roles and responsibilities of the City and the Developer. Porter Homes, Inc. has sold the six lots facing Avenue B to BP Quality Homes, L.L.C. (Bill Perdue and Tracey Andrews). As a result of this sale, it is in the City's best interest to approve a new development agreement with BP Quality Homes, L.L.C. and to authorize the Mayor to execute an amendment to the Porter Homes' development agreement.</p> <p>Porter Homes, Inc. submitted a request to amend their Enterprise Zone agreement for this project to City Council which was denied on October 13, 2008. However, City Council approved the Enterprise Zone application from BP Quality Homes for the lots owned by Porter Homes, Inc. on October 27, 2008. The application from BP Quality Homes, L.L.C. should not have been approved without approving the amendment from Porter Homes, Inc. Therefore, the request from Porter Homes, Inc. is being brought to Council again for consideration.</p>		
Staff Recommendation		
<p>The Community Development recommends three items for approval:</p> <p>1) Amendment #1 to the Porter Homes' development agreement; 2) A development agreement with BP Quality Homes, L.L.C.; and 3) Approval of Amendment #1 to the Enterprise Zone agreement (08-HEZ-024) submitted by Porter Homes, Inc.</p>		
Attachments		
1) Amendment #1 to the Porter Homes' development agreement; 2) Development agreement with BP Quality Homes, L.L.C.; and 3) Letter from Porter Homes, Inc. requesting approval of Amendment #1 to their Enterprise Zone agreement.		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

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RESOLUTION NO. 08-376

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS
AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH BP
QUALITY HOMES, L.L.C. FOR LOTS 7, 8, 9, 10, 11 AND 12 IN PORTER'S PARK SIDE
SUBDIVISION.**

WHEREAS, The City of Council Bluffs has been working on redeveloping the area located between 28th and 29th Streets from Avenues B to C; and

WHEREAS, BP Quality Homes, L.L.C. has purchased Lots 7, 8, 9, 10, 11 and 12 and intends to construct six single family structures to be sold to private buyers; and

WHEREAS, the execution of a development agreement detailing both the City's and Developer's activities and responsibilities is in the best interest of both parties involved; and

WHEREAS, the parties desire to establish between themselves their rights, obligations, duties and responsibilities.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

The Mayor is hereby authorized to execute a development agreement with BP Quality Homes, L.L.C.

ADOPTED
AND

APPROVED: December 8, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

DEVELOPMENT AGREEMENT

THIS AGREEMENT made on or as of this 8th day of December 2008, by and between the City of Council Bluffs, Iowa, an Iowa Municipal Corporation (hereinafter referred to as "City") and BP Quality Homes, L.L.C., an Iowa Corporation (hereinafter referred to as "Developer") as follows:

WHEREAS, the City has acquired and demolished the former Bus Barn property at 2802 Avenue B; and

WHEREAS, City has further over excavated soils, prepared the site for development and solicited proposals for private redevelopment; and

WHEREAS, originally the 12 lots were sold to Porter Homes, Inc., of which the six lots between 28th and 29th Streets, on Avenue B are now owned by BP Quality Homes, L.L.C.; and

WHEREAS, in conjunction with the purchase, the Developer proposes to construct six single family structures to be sold to other private buyers (the "Project"); and

WHEREAS, the execution of a development agreement detailing both the City's and Developer's activities and responsibilities is in the best interest of both parties involved; and

WHEREAS, the parties desire to establish between themselves their rights, obligations, duties and responsibilities.

NOW, THEREFORE, in consideration of the promises and mutual obligations of the parties hereto, each of them does hereby agrees with the other as follows:

1. Subdivision and Covenants

The Developer shall be responsible for all administrative, legal and survey costs associated with the project. The Developer is also obligated to follow the recorded "Declaration of Covenants, Conditions, and Restrictions" for the proposed subdivision as outlined in Exhibit "A".

2. Construction of Utilities

- a. The City further agrees to install a 6 ft board on board fence on the west property line.
- b. Developer shall be responsible for installing water services to each lot.
- c. Developer shall be responsible for the installation of necessary communication and energy utilities. All new utilities shall be placed underground.

3. Construction of Homes

- a. Developer shall cause the construction of six (6) single-family residential structures on Property as depicted on construction plans attached hereto as Exhibit "B". Developer shall construct the single family structures consistent with the plans and material specifications approved by the City, which are contained in Exhibit "B." A minimum of four (4) different plans shall be used. Since some plans will be used more than once, the

front elevations shall be varied on similar structures. All structures shall be completed and ready for occupancy two years from project initiation, as defined under the Enterprise Zone program rules.

- b. In addition to the said construction plans, Developer shall cause the construction of all structures to be consistent with the following:

- All structures must meet Housing Quality Standards as defined by the U.S. Department of Housing and Urban Development.
- All structures must meet the Model Energy Code.
- All structures must have a complete soil treatment for termites with a warranty of one (1) year.
- All single story and split entry structures shall be constructed on a poured concrete or concrete block basement. All two story structures must be constructed on a continuous frost-free perimeter foundation or slab on grade.
- All concrete exposed surfaces on the front elevation and columns on either side of the garage must be covered with mortared brick or stone.
- Front entry stoops must be constructed of concrete materials and all exposed side surfaces must be bricked. The maximum side exposure of the front stoop is 18 inches.
- A minimum total of 20% of the first floor's front elevation must be bricked or covered with mortared brick or stone. The 20% includes all exposed concrete surfaces such as the foundation and stoop, plus the columns on either side of the garage.
- All exposed foundations on the side and back of the structure will be appropriately primed and painted.
- Front elevation must have horizontal siding. Cement, masonite, and vinyl are acceptable siding materials.
- Front entry door must have a full view, self-storing storm door.
- All rear and side entrances shall exit to a solid surface (i.e. concrete pad or deck). Solid surfaces must have a minimum length of three feet and a minimum width approximately 1' wider than the width of the framed opening of the door.
- Shutters must be installed on all windows on the front elevation, with the exception of windows on brick/concrete surfaces. However, other decorative window treatments may be used as a substitute for shutters with prior approval.
- House numbers must be installed in brick inlay. The numbers must be located so they are clearly visible and be able to be illuminated by exterior lighting for visibility at night.

- Yard must be broadcast seeded with stacked straw cover, drill seeded, or sod. Lot must be graded to a smooth surface with all debris and rocks removed.
- All floors, including garage must be two feet above street elevation to establish positive drainage away from the structure. Slab: all floors, including garages must be two feet above street elevation to establish positive drainage away from the house. Crawl space: top of foundation should be two feet above street elevation to establish positive drainage away from the house.
- Unless already existing on property, one tree with a minimum trunk diameter of two inches must be planted in front of the house.

- c. Developer will develop the Project consistent with the City's ordinances governing residential construction, subdivision, and zoning. At Developer's expense, sidewalks shall be installed on Avenue B and North 28th Street concurrent with the construction of individual residential structures.

4. Developer is acquiring the Property to directly cause the construction of 6 single family structures. The Developer's intent is not to acquire, subdivide, and sell vacant lots on speculation. However, if Developer desires to dispose of said lots, the City shall have the first right of refusal on any vacant lot sold. Further, if the City does not acquire, the Developer agrees that the base price of the lot shall be \$26,500, plus Developer direct costs associated with the development of said lot. If the City does not exercise its first right of refusal and a lot is sold to other individuals or parties, the City's shall share all sale proceeds in excess of \$26,500.

5. The City will provide assistance to the Developer in making application for Enterprise Zone benefits to the Iowa Department of Economic Development. This shall be done prior to the start of any construction of the single family structures. However, City approval of any Enterprise Zone benefits will not be transferred to other individuals or parties.

6. This Agreement shall be interpreted according to the laws of the State of Iowa.

7. Any notice, demand, or communication under this Agreement by either party to the other shall be sufficiently given if it is dispatched by regular mail, postage prepaid, or delivered personally as follows:

IN THE CASE OF THE DEVELOPER, TO:

Bill Perdue
BP Quality Homes, L.L.C.
535 West Broadway, Suite 100
Council Bluffs, Iowa 51503
(402) 681-3377

IN THE CASE OF THE CITY, TO:

Thomas P. Hanafan, Mayor
City of Council Bluffs
209 Pearl Street
Council Bluffs, Iowa 51503
(712) 328-4601

8. Performance Monitoring – The City will monitor the performance of the Developer against the goals and performance standards required herein. Substandard performance as determined by the City will constitute non-compliance with this agreement. If action to correct such substandard performance is not taken by the Developer within a reasonable period of time after being notified by the City, suspension or termination procedures will be initiated. The Developer shall permit the City to examine and inspect the construction work.

9. Independent Contractor – Nothing contained in this agreement is intended to, or shall be construed in any manner as creating or establishing the relationship of employer/employee between the parties. The Developer shall at all times remain an independent contractor with respect to the services to be performed under this agreement. The City shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance, and Workers Compensation Insurance as the Developer.
10. Hold Harmless – The Developer shall hold harmless, defend and indemnify the City, its officers, employees and agents from any and all liability, loss, cost, damage, expense, claims, actions, suits, charges and judgments (including reasonable attorney's fees and court costs) whatsoever that arise out of the Developer's performance or nonperformance of the services, or resulting from or incurred by reason of any actions based upon the negligent acts or omissions of the Developer, his/her employees, or agents specific to the performance of this agreement.
11. Workers' Compensation – The Developer shall provide Workers Compensation Insurance coverage for all employees involved in the performance of this agreement.
12. Insurance and Bonding – The Developer shall comply with the bonding and insurance requirements of the City's Building Department.
13. Grantor Recognition – If undertaken, the Developer shall provide appropriate recognition of the role of the City in providing services through this contract at ground breaking ceremonies or media releases.
14. Amendments – The City or Developer may amend this agreement at any time provided that such amendments make specific reference to this agreement, and are executed in writing, signed by a duly authorized representative of both organizations. Such amendments shall not invalidate this agreement, nor relieve or release the City or Developer from its obligations under this agreement. The City may, at its discretion, amend this agreement to conform with federal, state, or local governmental guidelines, policies, and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this agreement, such modifications will be incorporated only by written amendment signed by both the City and Developer.
15. Suspension or Termination – The City may suspend or terminate this agreement, in whole or in part, if the Developer materially fails to comply with any term of this agreement, or with any of the rules, regulations or provisions referred to herein; and the City may declare the Developer ineligible for any further participation in City contracts, in addition to other remedies as provided by law. In the event there is probable cause to believe the Developer is in noncompliance with any applicable rules or regulations, the City may withhold funds until such time as the Developer is found to be in compliance by the City, or is otherwise adjudicated to be in compliance.
16. Assignability – The Developer shall not assign or transfer any interest in this agreement without prior written consent of the City. Any assignment made without such consent shall be void. This agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

NOTARY PUBLIC

Council Communication
December 8, 2008 City Council Meeting

Department: Community Development	Ordinance No.: <u>Resolution No.: 08-377</u>	Date: <u>Dec. 8, 2008</u>
Case/Project No.: N/A		
Subject/Title		
<ul style="list-style-type: none">1) Amendment #1 to Porter Homes, Inc. development agreement2) BP Quality Homes, L.L.C. development agreement3) Amendment to Porter Homes, Inc. Enterprise Zone agreement		
Applicant		
Porter Homes, Inc. and BP Quality Homes, L.L.C.		
Location		
Porter's Park Side Subdivision (generally located at 28 th Street and Avenues B and C)		
Background/Discussion		
<p>In August of 2007, City Council approved the sale of 12 lots to Porter Homes, Inc. (Scott Porter) for a project located at North 28th Street and Avenues B and C. At this time a development agreement was executed outlining the roles and responsibilities of the City and the Developer. Porter Homes, Inc. has sold the six lots facing Avenue B to BP Quality Homes, L.L.C. (Bill Perdue and Tracey Andrews). As a result of this sale, it is in the City's best interest to approve a new development agreement with BP Quality Homes, L.L.C. and to authorize the Mayor to execute an amendment to the Porter Homes' development agreement.</p> <p>Porter Homes, Inc. submitted a request to amend their Enterprise Zone agreement for this project to City Council which was denied on October 13, 2008. However, City Council approved the Enterprise Zone application from BP Quality Homes for the lots owned by Porter Homes, Inc. on October 27, 2008. The application from BP Quality Homes, L.L.C. should not have been approved without approving the amendment from Porter Homes, Inc. Therefore, the request from Porter Homes, Inc. is being brought to Council again for consideration.</p>		
Staff Recommendation		
<p>The Community Development recommends three items for approval:</p> <ul style="list-style-type: none">1) Amendment #1 to the Porter Homes' development agreement;2) A development agreement with BP Quality Homes, L.L.C.; and3) Approval of Amendment #1 to the Enterprise Zone agreement (08-HEZ-024) submitted by Porter Homes, Inc.		
Attachments		
<ul style="list-style-type: none">1) Amendment #1 to the Porter Homes' development agreement;2) Development agreement with BP Quality Homes, L.L.C.; and3) Letter from Porter Homes, Inc. requesting approval of Amendment #1 to their Enterprise Zone agreement.		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

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RESOLUTION NO. 08-377

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS AUTHORIZING SUBMISSION OF AMENDMENT #1 TO EZ AGREEMENT 08-HEZ-024 TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT (IDED) BY THE COUNCIL BLUFFS ENTERPRISE ZONE COMMISSION AND PORTER HOMES, INC. FOR ENTERPRISE ZONE BENEFITS.

- WHEREAS,** The City of Council Bluffs established Enterprise Zone-4 pursuant to Iowa House File 724 with the adoption of Resolution No. 07-151 and
- WHEREAS,** Enterprise Zones and the eligible benefits under House File 724 were established to promote economic and housing development in distressed areas; and
- WHEREAS,** In October of 2007, Porter Homes, Inc. received approval from the Enterprise Zone Commission and the State of Iowa for enterprise zone benefits to construct 12 single family residential structures; and
- WHEREAS,** All of the units were located in Porter's Park Side Subdivision, which is located on the northwest corner of 28th Street and Avenue B; and
- WHEREAS,** The legal description of the Enterprise Zone assisted units was Lots 1-12, Porter's Park Side Subdivision, City of Council Bluffs, Pottawattamie County; and
- WHEREAS,** Porter Homes, Inc. has requested Amendment #1 to their existing Enterprise Zone Agreement; and
- WHEREAS,** This amendment reduces the number of units from 12 to 6 and subsequently reduces the investment from \$1,524,000 to \$762,000; and
- WHEREAS,** The new legal description of the lots that Porter Homes, Inc. will build on is Lots 1, 2, 3, 4, 5 and 6, Porter's Park Side Subdivision, City of Council Bluffs, Pottawattamie County; and
- WHEREAS,** On September 30, 2008, the Enterprise Zone Commission held a public meeting to review the amendment request of Porter Homes, Inc.; and
- WHEREAS,** After review and consideration of the request, the Enterprise Zone Commission determined that the Porter Homes, Inc. project continues to meet the requirements to qualify for benefits and merits approval of Amendment #1.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

Section 1.0 The City Council finds that the Porter Homes, Inc. project is located within the Council Bluffs Enterprise Zone-4 as approved with the adoption of Resolution No. 07-151.

Section 2.0 The City Council declares Porter Homes, Inc. an eligible entity for Enterprise Zone benefits.

Section 3.0 That the City Clerk shall provide a copy of this resolution to the Iowa Department of Economic Development.

Section 4.0 The City Council approves the Porter Homes, Inc. request for a 10% state investment tax credit and a 100% rebate of sales and utility use taxes subject to the entity entering into an agreement with the City. The tax credit, if not entirely used during the first year, can be carried over and applied against state tax liability for the next seven years or until depleted, whichever occurs first.

Section 5.0 The Mayor is hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution.

Section 6.0 The provisions of this resolution shall be governed by the laws of the State of Iowa.

Section 7.0 That all resolutions and parts thereof in conflict therewith are hereby repealed to the extent of such conflict.

Section 8.0 That the provisions of this resolution are hereby declared to be separable and if any section, phrase, or provision shall be any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases and provisions hereof.

Section 9.0 That the approval of any and all Enterprise Zone benefits is contingent upon Porter Homes, Inc. meeting all other City codes and ordinances.

Section 10.0 That this resolution shall become effective immediately upon its passage and approval.

ADOPTED

AND

APPROVED: December 8, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, 2008, before me the undersigned, a Notary Public in and for said County and State, personally appeared Thomas P. Hanafan and Judith H. Ridgeley, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Judith H. Ridgeley, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

I would like to amend my Enterprise Zone agreement (Agreement #08-HEZ-024) down from 12 units to 6 units. The six units I would like to do are on lots 1, 2, 3, 4, 5 and 6. I have lots 3, 4, 5 and 6 active now and would like to do lots 1 and 2 at a later date. I anticipate the total project investment on the six lots to be \$762,000.

I will be selling the other six lots on Avenue B to Bill Perdue because of the lack of activity I have had on the Ave C side. I have had 4 houses nearly 100% complete for 8 months and have had only 1 sell. At this time I am building in other areas where I seem to have better luck. I am sorry for any problems this may cause and I appreciate the opportunity I was giving on Ave B.

Thank you,

A handwritten signature in black ink, appearing to read "Scott Porter", with a stylized flourish at the end.

Scott Porter

Council Communication

Department: Legal	Ordinance No. Resolution No. <u>08-378</u>	Council Action: <u>12/8/2008</u>
Case/Project No.		
Applicant		
SUBJECT/TITLE		
A resolution authorizing the Mayor to sign an Agreement between the City, the CBIF and Gable Corp.		
BACKGROUND		
A development agreement has been drafted in connection to a proposed industrial project. Additional information will be provided to you prior to the meeting.		
RECOMMENDATION		
Approval of this resolution is recommended.		

Richard Wade

Department Head Signature

Mayor Signature

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PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-378

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF COUNCIL BLUFFS, THE COUNCIL BLUFFS INDUSTRIAL FOUNDATION, INC., AND THE GABLE CORPORATION.

WHEREAS, a development agreement between the City, the Council Bluffs Industrial Foundation and the Gable Corporation has been drafted and is attached hereto as Exhibit "A"; and

WHEREAS, it is in the best interests of the City to enter into said agreement.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized and directed to execute the attached Development Agreement.

ADOPTED
AND
APPROVED December 8, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

C.A.12/8/08